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**Report Finds Lax Enforcement, Weak Fines
by NC OSHA**

***State Report, In Commemoration of Workers' Memorial Day, Finds
That Even Repeat Violators Receive Minor Penalties***

RALEIGH, N.C. – Nearly 150 workers were killed on the job in North Carolina in 2011 – the latest year for which we have complete data – spanning many ages, industries and causes of death, according to a report issued today by the National Council of Occupational Safety and Health (National COSH).

The report, “North Carolina Workers Dying for a Job: A 2013 Report on Worker Fatalities in North Carolina,” shares stories about workers killed on the job in North Carolina and points to reforms needed to prevent these types of incidents from reoccurring.

The report comes just before Workers' Memorial Day, which falls on April 28 and commemorates workers who have been injured or killed on the job. National COSH this year has expanded the commemoration to a Workers' Memorial Week of Action, consisting of events, actions, reports, and other ceremonies across the country throughout the week of April 22-28. A list of events is available at www.workersmemorialweek.org.

In North Carolina, community and labor leaders, workplace safety advocates and clergy gather today for a program outside of the North Carolina Department of Labor to push for reforms to better protect workers on the job.

The report cites cases such as that of Luis Martinez (39), who was working on a project installing a water line on the NC State University campus this past November when the trench he was working in caved in. He was buried in several feet of dirt and died. Deaths from trench cave-ins are entirely preventable with the use of proper equipment, such as a trench box that supports the sides. Yet, every year, workers to continue to die needlessly from this hazard.

Martinez's employer, J.F. Wilkerson Contracting Co. of Morrisville, had been cited previously for failure to provide its workers with adequate protections from trench cave-ins. Despite evidence that the company was not protecting its workers, NC OSHA failed to penalize the company with more than a slap on the wrist and Luis Martinez paid the ultimate price as a result.

“Every workplace death is a tragedy, but in a case such as this when the employer has been cited previously for the very same violation, it borders on criminal negligence,” said Tom O’Connor, Executive Director of National COSH and lead author of the report.

The report also pointed to the lax enforcement and weak fines imposed on negligent employers from the state workplace safety agency, the Occupational Safety and Health Division of the NC Department of Labor, as too low to act as an adequate deterrent to unsafe working conditions.

According to data from the U.S. Occupational Safety and Health Administration (OSHA), the average fine imposed by NC OSHA for a “serious” violation—one presenting the potential for serious bodily harm to an employee—was a mere \$1,309.95. The OSH Act limits maximum fines to a low level—\$7,000 for a serious violation—but in most cases, NC OSHA fines employers far less than this, even when a fatality occurs. Worse, NC OSHA reduces its initial penalties by an average of 41 percent, often without any apparent justification.

Employers cited by NC OSHA for repeat violations—exposing workers to seriously hazardous conditions even after they have been previously cited for doing so—are still issued only a slap on the wrist.

“With even repeat offenders let off with a mere slap on the wrist, the fines imposed by NC OSHA are far too small to ensure that workers have the right to a safe and healthy workplace,” said MaryBe McMillan, Secretary-Treasurer of the North Carolina AFL-CIO.

NC OSHA’s failure to provide adequate protections for the state’s workers was highlighted recently in a *New York Times* exposé. The *Times* found that state inspectors allowed workers at a foam cushion manufacturing company in the Statesville region to poison dozens of their workers over a period of years, and that OSHA inspectors knew that workers were being made sick from their toxic exposures, but imposed only modest fines on the company.

“The recent story in the *New York Times* highlighted the failure over a period of many years of NC OSHA to enforce every employee’s right to a safe and healthy workplace,” said O’Connor. “Despite abundant evidence that workers were being poisoned by a toxic chemical, NC OSHA inspectors refused to use their authority to require the employer to correct the hazards.”

The report also noted that Latino workers continue to die on the job from preventable causes in far greater numbers than their proportion of the state’s population. In the two-year period of 2011-2012, 28 percent of workers killed on the job for whom NC OSHA provided race/ethnicity data were Hispanic – 3.5 times their proportion in the population of the state.

“Year after year, Hispanic immigrant workers suffer high rates of death on the job in North Carolina,” said Yazmin Garcia Rico of Student Action with Farmworkers, a Durham-based worker advocacy organization. “We call on the NC Department of Labor to take action to ensure that these workers who come to this country for a better life don’t pay the ultimate price for a job.”

To see the full report, visit <http://www.coshnetwork.org/nc-workers-dying-job-2013-report>.

To read more about Luis Martinez’ story, visit: <http://www.coshnetwork.org/fallen-workers-luis-javier-martinez-north-carolina>.

Visit www.workersmemorialweek.org for more information.

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The National Council for Occupational Safety and Health is a federation of local and statewide organizations; a private, non-profit coalition of labor unions, health and technical professionals, and others interested in promoting and advocating for worker health and safety.

To learn more about the National Council for Occupational Safety and Health, visit:
<http://www.coshnetwork.org>.